



Crl.R.C.No.1420 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.R.C.No.1420 of 2023

V.Ramadoss

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent,
Cuddalore, Cuddalore District.

2.The Inspector of Police,
Anti-Land Grabbing Cell,
Office of the Superintendent,
Cuddalore, Cuddalore District.

3.P.Ramesh

... Respondents

Prayer : Criminal Revision filed under Section 397 r/w. 401 of Criminal Procedure Code to set aside the impugned order passed by the learned Judicial Magistrate Court No.II, Vridhachalam dated 17.05.2023 in Cr.M.P.No.2301/2022, and to further direct the 2nd respondent to register an FIR.



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For Petitioner : Mr.C.Iyyapparaj

for Mr.M.Jothi Kumar

For RR1 & 2 : Mr.R.Vinothraja, GA (Crl. Side)

ORDER

Challenging the orders dated 17.05.2023 passed by the learned Judicial Magistrate No.II, Vridhachalam in Cr.M.P.No.2301/2022, the present revision is filed.

2. The revision petitioner filed a private complaint under Section 200 Cr.P.C. before the Judicial Magistrate No.II, Vridhachalam for a direction to the second respondent police to register an FIR on the complaint given by the revision petitioner and investigate the case under Section 156(3) Cr.P.C. Learned Judicial Magistrate No.II, Vridhachalam, after perusing the complaint and other relevant records, dismissed the said petition on the ground that the dispute between the revision petitioner and one Viswanathan (Accused) is purely civil in nature and therefore, the complaint of the revision petitioner cannot be



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referred to the police under Section 156(3) Cr.P.C.

3. Heard, Mr.C.Iyyaparaj, learned counsel for the revision petitioner and Mr.R.Vinothraja, learned Government Advocate (Crl. Side) for the respondents 1 & 2.

4.Mr.C.Iyyaparaj, learned counsel for the revision petitioner contended that the signature of the father of the revision petitioner was forged in the sale deed dated 08.07.2016 with the connivance of the Sub-Registrar Vridhachalam and other officials and that the property which has been allegedly sold in favour of the accused Viswanathan is a joint family property consisting of the present revision petitioner, his brother Velmurugan and his father Viswanathan (since deceased). He drew the attention of this Court to the last page of the photocopy of the sale deed in which the date of purchase of stamp paper is indicated as 24.06.2016 whereas in other pages the date of the stamp paper is indicated as 08.07.2016. He also contended that the persons who identified the vendor and buyer before the Sub Registrar are mentioned as

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Kaliyaperumal and Baalambal, the person who had attested the sale deed is mentioned as Baalambal and Velmurugan. He therefore contended that it is a clear case of forging of documents and therefore, the accused should be summoned by the police and investigate the case.

5. Per contra, Mr.R.Vinothraja, learned Government Advocate (Crl. Side) for the respondents 1 & 2 contended that based on the complaint given by the present petitioner challan was issued in Current Paper No.SPGP/1447/2021 dated 29.06.2021 and after conducting an enquiry the matter was closed on 16.04.2023 on the ground that the dispute between the parties is civil in nature.

6. It is alleged that the present petitioner holds 1/3rd share in the property of his father (since deceased) and that the purchaser of the suit property has forged the signature of his father in the sale deed. In the complaint, the petitioner had stated that on 08.07.2016 his father went to Sub Registrar office at Vridhachalam after getting signature of his brother Velmurugan stating that the said signature was obtained for



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redeeming the mortgaged property. The accused on his part got a sale deed executed by his father. All the allegations of the present petitioner would go to show that this is a clear case of civil dispute between the parties and as rightly observed by the trial court the sale deed which is executed in the year 2016 is sought to be cancelled in the year 2023 and that too by way of setting the criminal law into motion. It is pertinent to point out that the brother of the present revision petitioner has signed as a witness in the sale deed and the photograph of the father of the petitioner also finds place in the sale deed. If the present petitioner is aggrieved by the alleged forged sale deed he can only approach the civil court, if he is so advised, and no useful purpose would be served by referring the matter to the police for investigation.

In the circumstances, the Criminal Revision Case is dismissed.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

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To

1.The Superintendent of Police,
Office of the Superintendent,
Cuddalore, Cuddalore District.

2.The Inspector of Police,
Anti-Land Grabbing Cell,
Office of the Superintendent,
Cuddalore, Cuddalore District.

3.The Judicial Magistrate Court No.II, Vridhachalam.



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R. HEMALATHA, J.
mtl

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